

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Davy Crockett Tower
Nashville, Tennessee**

September 20, 2007

Board Members Present

Bob Campbell, Professional Engineer
James Hastings, Registered Architect
John Love, Registered Landscape Architect
Dana Miller, Registered Interior Designer
David Schuermann, Registered Architect
William Stockard, Professional Engineer
Richard Thompson, Registered Architect

Board Members Absent

Philip Lim, Professional Engineer

Associate Board Members Present

Carlton Norris, Professional Engineer
Dennis Henderson, Professional Engineer
Raymond White, Professional Engineer

Staff Present

Kathryn Wiseman, Legal Counsel
John Cothron, Executive Director
Wanda Garner, Administrative Assistant

Guests

The following guests attended all or part of the Board meeting:

Randy Caldwell, President of the American Society of Landscape Architects, Tennessee Chapter (ASLA-TN)
Al Bodie, American Society of Landscape Architects
Candy Toler, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)
Don Baltimore, Tennessee Interior Design Coalition (TIDC)
Katherine Setser, President of TIDC
Bruce Stearns, Registered Geologist
Tom Lawrence, American Society of Civil Engineers
Sandra Knight, Professional Engineer, American Society of Civil Engineers (TN Section)

CALL TO ORDER

Dana Miller, chair, called the meeting to order at 9:00 a.m. Roll call determined that a quorum was present.

Mr. Cothron announced that Wayne Pugh has been assigned to the Board as its legal counsel. Ms. Wiseman will be representing the Real Estate Commission.

In an agenda change, Ms. Toler was given permission to give her professional society report immediately following the Rulemaking Hearing.

RULEMAKING HEARING

Ms. Miller turned the meeting over to Kathryn Wiseman, Legal Counsel to the Board, who called the rulemaking hearing to order at 9:05 a.m.

Purpose of the Rulemaking Hearing

Ms. Wiseman pointed out that the purpose of this hearing is to consider the promulgation of rules and amendments to rules pursuant to *Tennessee Code Annotated*, 62-2-203(c) and conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated*, 4-5-204. Upon conclusion of the hearing and adoption of the proposed rules, they will be forwarded to the Attorney General's office for review of their legality. If approved, they will then be filed with the Secretary of State and the Government Operations Committee of the General Assembly. The effective date of the rules will be 75 days after filing with the Secretary of State's office.

Notice of the Rulemaking Hearing

Notice of the hearing was published in the August 2007 issue of the *Tennessee Administrative Register*. Mr. Cothron stated that a notice was published in the Spring/Summer edition of the Board's newsletter, *Tennessee Design Lines*, which was posted on the Board's website and distributed to all registrants and exam applicants.

Ms. Wiseman explained the procedure to be followed in the rulemaking hearing and gave a summary of each proposed rule. (Proposed rules are attached.)

COMMENTS regarding the amendment to the education and experience requirements for engineer registration:

1. *Candy Toler, TSPE/ACEC-TN*, stated that they opposed the law change which considers a person as having met the educational requirement to sit for the Principles and Practice of Engineering exam (PE exam) if the applicant has a master's degree in engineering (even if the undergraduate degree is not engineering), but promoted the amendment that requires engineer intern certification.
2. *Bruce Stearns, Mactec Engineering and Consulting*, a Tennessee registered geologist with a master's degree in engineering, stated that this law and rule change now allows him to pursue a personal goal to become a registered engineer.
3. *Tom Lawrence, American Society of Civil Engineers*, stated that he does not believe that having an engineer intern certificate and a master's degree in engineering is enough. He would like for the rule to specify that a person applying for registration under this new law have an engineer intern certificate issued by the Tennessee Board.

Board Response:

Board members clarified that the Fundamentals of Engineering exam is a national standardized exam.

4. *Sandra Knight, PE, Regional Governor for the Tennessee Section of the American Society of Civil Engineers*, stated that the American Society of Civil Engineers and the National Society of Professional Engineers are supporting a move to require a bachelor's degree in engineering plus thirty hours, implying that a four-year degree is not enough; more course work would equip an engineer with the education and knowledge to go into the work force. Allowing someone to become registered with only a master's degree in engineering and not the ABET accredited bachelor's degree would seem to go against everything the engineering societies are pushing for.

Comments via E-mail (attached)

5. *Jamie Carden, PE, McGill Associates*, expressed concern that someone with a master's degree in engineering may sit for the PE exam without prior experience.

Response:

Mr. Cothron replied to the e-mail stating that the law still requires four years of progressive engineering experience and that the Rulemaking Hearing was scheduled in order to define approved master's degree programs.

6. *Greg Eidam, PE, Barge Waggoner Sumner and Cannon*, opposes the law in question and states, "This is our last chance to stop it."

Board Response:

The law has passed; however, because of a sunset provision, the law will be repealed June 30, 2012.

7. *Tracy Carden, Precision Boilers, Inc.*, believes that one should gain a PE License through, "...the EIT test, add training, knowledge, and experience then take the PE Exam"

Board Response:

Those requirements still exist.

8. *Tom Bennett, PE, McGill Associates, PA*
9. *Larry Wilder, PE, Cherokee Metal Products*
10. *Tim Pringle, PE, McGill Associates, PA*

Mr. Bennett, Mr. Wilder, and Mr. Pringle expressed opposition to the new law.

Response:

The education requirement has already been modified by the General Assembly, and the Board cannot reverse the law change.

11. *Greg Donohoo, PE Oman Gibson Associates, LLC*, sees the law change as potentially damaging to the term "PE."

Response:

The Board cannot reverse the law change. Both the FE and PE exams will still be required, as well as four years of experience.

12. *J. Douglas Sterrett, Dean, College of Engineering and Natural Sciences, University of Tennessee at Martin*, suggested inserting “with major or concentration” between “with an ABET accredited undergraduate engineering program” and “in the same discipline.”

Board Response:

The Board decided to leave the section unchanged.

There were no comments concerning the amendment to require the completion of the Intern Architect Development Program prior to architectural registration.

Mr. Campbell, seconded by Mr. Stockard, moved to accept the proposed rule changes. By roll call, each Board member present voted to approve the motion.

Ms. Wiseman then adjourned the rulemaking hearing.

PROFESSIONAL SOCIETY REPORT

Ms. Toler, TSPE/ACEC-TN, reported that

- Entries for the Engineering Excellence Award are due November 2, 2007;
- The Engineering Excellence Award Banquet is scheduled for March 4, 2008;
- Several brochures have been published;
- Thanks to Mr. Cothron, Governor Phil Bredesen proclaimed August as Engineering Licensure Month to observe one hundred years of state engineering licensing programs; and
- Mr. Campbell's son, Robert G. Campbell, Jr., PE, is the president of the TSPE Executive Committee for 2007-2008.

CONSENT AGENDA

Approval of Minutes (attached)

Mr. Campbell, seconded by Mr. Love, moved to accept the minutes of the July 19, 2007 meeting and the minutes of the July 27, 2007 teleconference as written. The motion passed unanimously.

Staff Complaint Report (attached)

Mr. Campbell, seconded by Mr. Hastings, moved to accept the recommendations presented in the Complaints for Board Decision. The motion passed unanimously.

David Lu, whose certificate of registration to practice engineering in Tennessee had been revoked, reapplied for registration. The Engineer Committee reviewed the application and upon its recommendation, Mr. Campbell, seconded by Mr. Hastings, moved to accept Mr. Lu's reapplication. The motion passed unanimously.

DIRECTOR'S REPORT

Mr. Cothron submitted the following report:

- Bob Campbell, Dennis Henderson, and David Schuermann have all been reappointed to the Board and will serve until June 30, 2011. Sharon Byrd was not reappointed; we are still awaiting notification of her replacement.
- Bob Campbell, Raymond White, Kathryn Wiseman and I attended the NCEES Annual Meeting in Philadelphia on August 22-25.
- John Love and I attended the CLARB Annual Meeting in Cleveland on September 6-8.
- I completed my training at the Tennessee Government Management Institute last month.
- I will be speaking to a Professionalism and Ethics class at Tennessee Tech on October 9 regarding professional licensure in Tennessee. This class is taught by Tech's new dean, Dr. David Huddleston.
- David Schuermann will attend the NCARB Member Board Chairs Conference in Memphis on October 5-6.
- I will attend the NCARB Member Board Executives Workshop in Arlington, VA (DC) on November 2-3.
- Dana Miller and I have requested to attend the NCIDQ Annual Meeting in Seattle on Nov. 9-10.
- I am working with Information Systems to develop a system to allow Board members to review applications and audits over the Internet. The system may be ready by October.
- The number of registrants utilizing the online renewal system has increased slightly; about 20% of registrants are now choosing to renew online.
- The Board office may be moving at some point in the next six months.

Licensing Data was submitted. (attached)

Financial Data (attached)

Ms. Miller submitted and reviewed the financial report.

Break 10:00-10:15 a.m.

INFORMAL CONFERENCE

Case #L07-AEL-RBS-2007053541

Complaint #200705354

Mr. McKenzie C. Roberts, registered engineer, #6982, appeared before the Board to discuss his competency regarding the preparation of design drawings for a build-out to an existing space.

Mr. Roberts stated that the space was to be used by the Department of Children's Services (DCS) and they provided a floor plan that he used when preparing the design drawings.

When the plans were submitted (by the owner) to the State Fire Marshal's Office (SFMO), it appeared that Mr. Roberts had prepared all phases of the plans. The owner finally abandoned the project and the build-out is occupied by someone other than DCS.

Mr. Hastings reminded Mr. Roberts that any structure of this occupancy over 5000 square feet requires a registered architect.

Mr. Schuermann told Mr. Roberts that by taking the floor plan and incorporating it into his drawings and stamping it, he accepted responsibility.

Mr. Hastings, seconded by Mr. Schuermann, moved to close the case with a Letter of Warning regarding practice outside areas of competency.

After a brief discussion, Mr. Stockard called for the question.

The motion passed unanimously.

OLD BUSINESS

Action Items (attached)

Mr. Schuermann will meet with Thomas W. Smith regarding his allegations of conflicts among the International Building Code, Construction Specifications Institute (CSI), and the policies of this Board. The remaining action items taken from the July meeting were reviewed and the required action had been taken.

NEW BUSINESS

Report on National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting

Mr. Campbell reported that the following are some of the issues that were discussed at the NCEES Annual Meeting in Philadelphia on August 22-25, 2007:

- The Exam Policy and Procedures Committee recommended that NCEES continue to prepare a list of acceptable calculators each year instead of providing one model for candidate use.
- The proposed Model Law change requiring a bachelor's degree plus 30 credit hours, is still a much discussed topic.

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- The Governance Task Force did not recommend the creation of a 501(c)(6) corporation for NCEES, which would allow NCEES to devote more of its resources to lobbying efforts, on the basis that the need has not been established.
- The Governance Task Force has proposed that presidents be elected at-large instead of chosen by region. A non-binding straw poll taken at the meeting found that 33 boards (including TN) were opposed to this proposal, while 27 boards were supportive.
- The next Annual Meeting will take place in Minneapolis, MN.

Report on the Council of Landscape Architectural Registration Boards (CLARB) Annual Meeting

Mr. Love reported that the following issues were discussed at the CLARB Annual Meeting in Cleveland on September 6-8, 2007:

- After conducting a national search, CLARB has a new Executive Director, Joel Albizo.
- CLARB is working to develop a new database system that will enable them to establish a disciplinary database. This project should be completed in 12-18 months.
- CLARB is establishing a program to approve continuing education providers and courses for landscape architects.
- The CLARB Board of Directors has decided to shut down the C2Ed continuing education program.
- A resolution to amend the bylaws passed unanimously. Key changes included updating language on the responsibilities and status of the Executive Director, establishing an Executive Committee of the Board to streamline governance, simplifying titles of two elected officer positions, and adding audit responsibilities to the Finance Committee.
- The next Annual Meeting will take place in Washington, D.C.

October Planning Session Topics (attached)

A change to the Planning Session agenda will assign the Engineer Committee to meet on Thursday, October 18, 2007 at 10:00 a.m. and the Architect Committee to meet on Wednesday, October 17, 2007 at 2:00 p.m.

Additional topics for discussion:

- Time limit for references (less than two years old)
- Should a candidate be allowed to sit for the Landscape Architectural Exam before completing the required experience?
- Alternate delegates for CLARB and NCIDQ meetings
- Policy about record/as-built drawings

- Protocol for the election of Board officers
- Standard of Care/competency
- For the Architect Committee: National certificate

Mr. Cothron asked that suggestions for topics to be discussed be given to him by October 5, 2007.

Approval of Entities to Evaluate Non-Accredited Architectural Programs

Mr. Schuermann, seconded by Mr. Thompson, moved that Max Robinson be approved to evaluate non-accredited domestic architectural programs for substantial equivalency to programs accredited by the National Architectural Accrediting Board, and that EESA (Education Evaluation Services for Architects) be approved to evaluate foreign programs. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORTS

Don Baltimore, TIDC, announced that the state chapter of the American Society of Interior Designers will be meeting in Nashville on September 28-29, 2007.

Randy Caldwell, (ASLA-TN), thanked the Board and the professional societies for supporting efforts in getting a landscape architect master's program established at the University of Tennessee in Knoxville.

Mr. Caldwell reported that

- Over 400 people attended the Annual ASLA-TN meeting in Memphis in early September;
- A planning retreat is scheduled in November; and
- The Annual ASLA-TN meeting will be held in Knoxville in 2008 to coincide with the commencement of the landscape architecture graduate program at UT Knoxville.

LEGAL CASE REPORT (presented by Ms. Wiseman)

Complaints for Board Disposition (attached)

1. Case #L07-AEL-RBS-2007056891 *Complaint #200705689*
Mr. Campbell, seconded by Mr. Schuermann, moved to accept the Consent Order and close the case. The motion passed unanimously.
2. Case #L06-AEL-RBS-2006000761 *Complaint #200600076*
Mr. Love, seconded by Mr. Campbell, moved to dismiss the case. The motion passed unanimously.
3. Case #L06-AEL-RBS-2006045611 *Complaint #200604561*
Mr. Thompson, seconded by Mr. Love, moved to dismiss the case. The motion passed unanimously.

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| 4. Case #L07-AEL-RBS-2007071091 | Complaint #200707109 |
| 5. Case #L07-AEL-RBS-2007071081 | Complaint #200707108 |
| 6. Case #L07-AEL-RBS-2007071071 | Complaint #200707107 |
| 7. Case #L07-AEL-RBS-2007071061 | Complaint #200707106 |
| 8. Case #L07-AEL-RBS-2007071051 | Complaint #200707105 |

Mr. Campbell, seconded by Mr. Stockard, moved to authorized formal hearings and Consent Orders providing for agreed indefinite suspension pending receipt of proof from the department of Revenue that the respondents have paid overdue taxes, interest, and penalties. The motion passed unanimously.

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| 9. Case #L07-AEL-RBS-2007056711 | Complaint #200705681 |
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- Mr. Campbell, seconded by Mr. Stockard, moved to close the case. The motion passed unanimously.

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| 10. Case #L04-AEL-RBS-2004180181 | Complaint #200418018 |
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- Mr. Love, seconded by Mr. Thompson, moved to close the case with no action. The motion passed unanimously.

Mr. Campbell, seconded by Mr. Stockard, moved to adjourn. The motion passed unanimously.

The meeting adjourned at noon.

ATTACHMENTS

Notice of Rulemaking Hearing
E-mailed Comments
Minutes of the July 19, 2007 meeting
Minutes of the July 27, 2007 teleconference
Staff Complaint Report
Licensing Data
Financial Data
Action Items for the September 20, 2007 meeting
Tentative Agenda for the October Planning Session
Complaints for Board Disposition